IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 22ND OCTOBER 2007 / 30TH ASWINA 1929

Bail Appl..No. 6397 of 2007()

CMP.4907/2007 of J.M.F.C.,KASARAGOD

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(CRIME NO.649/07 OF KASARAGODE POLICE STATION)

PETITIONERS/ACCUSED 1,2 & 5:

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1. **SHIVAN @ SHIVAPRASAD.K.,**
   S/O.MALINKA, THALIPPATAPPU HOUSE,
   NEAR G.U.P.SCHOOL, KASABA VILLAGE, KASARAGOD.

2. **KISHORE.K.G., S/O.MADHAVAN,**
   THALIPPADUPPU HOUSE, NEAR USMAN RICE MILL,
   KASABA VILLAGE, KASARAGODE.

3. **SANTHOSH.B., @ CHERIYA SANDU,**
   S/O.BABU NAIK, SANNAKUDLU, NEAR GUDDE TEMPLE,
   KUDLU VILLAGE, KASARAGODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE:

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1. **THE SUB INSPECTOR OF POLICE,**
   KASARAGODE POLICE STATION.

2. **STATE REPERSENTED BY PUBLIC PROSECUTOR,**
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R.BASANT, J

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B.A.No.6397 of 2007

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Dated this the 22nd day of October, 2007

ORDER

Application for regular bail. The petitioners are accused 1,2 and 5. They face allegations for offences punishable, inter alia, under Section 308 IPC. The de facto complainant is a bus driver. When the bus was parked at the Kasargode bus stand, the miscreants allegedly entered into the bus all on a sudden and they unleashed a murderous attack on the de facto complainant. The de facto complainant was in a position to identify all the accused persons. They have been named in the FIR also. The alleged incident took place on 3.10.07. Investigation is in progress. The petitioners were arrested on 10.10.07. Previous enmity is the alleged motive. Dangerous weapons including iron rod etc. were used for the commission of the offence. The de facto complainant has suffered fairly serious injuries which are narrated in the wound certificate issued.

2. The learned counsel for the petitioners submits that the petitioners are innocent. It is prayed that the petitioners may now be released from custody.

3. The learned Public Prosecutor opposes the application. The injuries suffered are serious. It was not a wanton attack in bright day

light. Serious view is bound to be taken considering the nature of the crime and the manner in which the alleged offence was committed. In these circumstances, the petitioners may not be granted regular bail at this stage. Co-accused have not been arrested. One of the accused named in the FIR has now been deleted from the party array. (The ranks of the accused which are referred to by me in this order are as ranked in the FIR)

4. Having considered all the relevant inputs, I am not persuaded to grant regular bail to the petitioners at this early stage. Investigators in a serious crime like this are certainly entitled to further time to complete the investigation.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this court or the courts below for bail again at a later stage of the investigation not, at any rate, prior to 5.11. 2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE